



ATTACHMENT 2

INLAND APPEAL FORM

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING

976 OSOS STREET • ROOM 200 • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600

Promoting the Wise Use of Land • Helping to Build Great Communities

Please Note: An appeal should be filed by an aggrieved person or the applicant at each stage in the process if they are still unsatisfied by the last action.

PROJECT INFORMATION

Name: PETER BYRNE

File Number: DRC2013-00096

Type of permit being appealed:

- ☐ Plot Plan ☐ Site Plan ☐ Minor Use Permit ☒ Development Plan/Conditional Use Permit
☐ Variance ☐ Land Division ☐ Lot Line Adjustment ☐ Other: _____

The decision was made by:

- ☐ Planning Director (Staff) ☐ Building Official ☐ Planning Department Hearing Officer
☐ Subdivision Review Board ☒ Planning Commission ☐ Other: _____

Date the application was acted on: JULY 14, 2016

The decision is appealed to:

- ☐ Board of Construction Appeals ☐ Board of Handicapped Access
☐ Planning Commission ☒ Board of Supervisors

2016 JUL 28 PM 4:56
SLO COUNTY
PLANNING/BUILDING
DEPT

BASIS FOR APPEAL

State the basis of the appeal. Clearly state the reasons for the appeal. In the case of a Construction Code Appeal, note specific code name and sections disputed). (Attach additional sheets if necessary)

SEE ATTACHED

List any conditions that are being appealed and give reasons why you think it should be modified or removed.

Condition Number 1b, 1g Reason for appeal (attach additional sheets if necessary)
SEE ATTACHED.

APPELLANT INFORMATION

Print name: PETER BYRNE
 Address: 1275 KILER CANYON RD, PASO ROBLES, CA 93446
 Phone Number (daytime): 805-235-9616

We have completed this form accurately and declare all statements made here are true.

Signature

Marta Byrne Cody Ferguson

Date 7/27/16

OFFICE USE ONLY

Date Received: _____ By: _____

Amount Paid: _____ Receipt No. (if applicable): _____

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 SLOPLANNING.ORG

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 APRIL 23, 2015
 PLANNING@CO.SLO.CA.US

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We are appealing parts of conditions 1b and 1g of the Final Findings and Conditions of County file number DRC 2013-00096 as determined by the Planning Commission on July 14, 2016.

We do not believe that a restaurant should be allowed to operate after the established tasting room hours of 1100am to 500pm. A limited food service facility, when approved, is allowed to operate during tasting room hours for food pairing.

The tasting room hours were approved to extend well into the night until 900pm for two days a week so that the restaurant could operate, no so that the applicant could have additional tasting room hours as he is currently allowed to operate the tasting room five days a week.

The original staff recommendation was to have tasting room hours limited to three days a week with no night time restaurant activities.

We have already made a number of compromises including:

- 1) Agreeing to the applicant importing offsite olive fruit for processing as it seems somewhat related to agricultural zoning, although technically a commercial/industrial venture which is more appropriately limited to commercial zoning.
- 2) We did not object to a modification to setback standards for olive oil production allowing the required setback to be reduced from approximately 400ft to 96ft to a property line.
- 3) We did not object to a modification to the setback standards for retail sales for all structures to be located no closer than 400ft to existing residence.
- 4) Although a limited food service facility is not even allowed by ordinance without a discretionary use permit, we did not object to the commercial kitchen/dining to be increased from 800sf to 997sf even though the ordinance limits the limited food service facility to 800sf.

However we DO object to:

- 1) Any extension of limited food service outside the tasting room hours of 1100am to 500pm increasing to 900pm at night. This is due to the immediate proximity of my dwelling to the access road. The rear of my dwelling is only 30feet from the access road.

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I cannot move my house and it is not right or appropriate to have restaurant traffic and noise and lights after dark just 30' from my residence regardless of a discretionary use permit.

I knew my property was zoned AG when I purchased it 30 years ago. It is dry farmed now as was long before I bought it and I expect to have dust, traffic and noise from the surrounding vineyards and my own dry farming operations, but I do not expect to have to put up with traffic noise and lights from a nighttime restaurant operation any day of the week.!

This night time activity would be in addition to trucks bringing in offsite olives for processing four months out of the year. When the facility was illegally processing off site olives for six years, there was truck traffic at 11pm at night and later on some nights and have video to prove it.

2) We also do object to a portion of condition 1g whereby "Reasonable private gathering of family and friends of the property owners are not limited"!!

Not limited? This is a glaring loophole as not only is it not enforceable, as who is going to determine who is family or friend, but the property owners do not even live on the property. These should be considered as nothing more than a temporary event.

This should be rewritten so that Family and Friend gatherings be limited to stated tasting room hours. If something is not enforceable, it should not be allowed.

The real problem with this operation is that this is not an appropriate location.

This project is another example of the discretionary use permit process being used to establish an operation that should not be allowed in Agricultural Zoning.

Justification for this use cannot be based on "precedent", as some have claimed, as you cannot base a new use on a prior discretionary use permit as each prior discretionary permit is tailored to a specific site and a specific operation. To claim "precedent" is illogical.

In conclusion we are appealing a night time restaurant operation and are also appealing unlimited as to hours and days of the week, "Friends and Family" events.

Peter Byrne Appellant

805 235 9616





San Luis Obispo County Department of Planning and Building

County Government Center San Luis Obispo, California 93408 Telephone: (805) 781-5600

Receipt #: 222016000000000000312

Date: 07/29/2016

Line Items:

Case No	Last Name	Tran Code	Description	Revenue Account No	Amount Paid
		APPEAL	Appeal to Board of Supervisors Fee -	1420000-10000000000-142S23	850.00
			PDA -4350106		
Line Item Total:					\$850.00

Payments:

Method	Payer	Bank No	Account No	Confirm No	How Received	Amount Paid
Check	PETER BYRNE		135	DRC2013-00096	In Person	850.00
Payment Total:						\$850.00
Balance						

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